



WENPING & CO.
P. O. Box 1869, Taipei

To: Messrs. Epping • Hermann • Fischer Patentanwaltsgesellschaft mbH

Appln. No. 91113479

English Translation of

DECISION ON EXAMINATION

Date: December 3, 2003

No.: 2(1)04066/09221227750

1. Application No.: 91113479

2. Title: Oberflächenmontierbares strahlungsemittierendes Bauelement und
Verfahren zu dessen Herstellung"

3. Applicant: Osram Opto Semiconductors GmbH

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5. Filing Date: June 20, 2002

6. Priority: German Application No. 10131698.4 filed on June 29, 2001

7. Decision:

A) Subject:

A patent should not be granted to this application.

B) Basis:

Paragraph 2 of Article 20 of the Patent Law.

C) Reasons:

After examination, the present case is deemed as:

1. The main feature of the present case has been described as in the claim 1.



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2. A Publication No.311269 published on July 21 1997 in Taiwan and entitled "A semiconductor component with a plastic encapsulation and its production method" (please see the attachment) has been found, and its main feature is that the radiation-emitting chip is mounted on a lead-frame, said chip and the lead-frame are enclosed with a form-substance, so that said component has a mounting face, and said mounting face is arranged so as to form a pre-defined angle with respect to the main radiating direction of said component. The said lead-frame has terminals, which extend from the form-substance and have terminal-faces, and each terminal-face forms a pre-defined angle with respect to the said mounting face. As compared with the cited case, the component in the cited case is turned in the present case over with an angle in space and then arranged on the said mounting face. The said simple alteration in space can be easily accomplished by any one skilled in the art, so the present case shows no inventive steps.
3. Summing up the above, the present case made use of the technology already existed before its filing date and thus can not be granted an invention patent.

Based on the foregoing, the present application does not comply with the legal requirements of a patent. A decision is hereby made as per the subject according to Paragraph 2 of Article 20 of the Patent Law.

Note: If the applicant disagrees with this decision, a re-examination can be filed within thirty days after receipt of this decision with respondent reasons in duplicate and official fee of NT\$6,000 (for Chinese specification and drawings under 50 pages, in case of exceeding 50 pages, additional fee of NT\$500 per 50 pages shall be surcharged) to this Office.



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OUR COMMENTS:

Though the construction of the cited Publication No. 311269 (please see the attachment, it includes 5 claims and 1 figure) is somewhat similar to the present case, the content of the claims in the present case is already different from that of the cited case. Thus the content of the claims in the present case seems not necessary to be amended.

However, in order to explain the inventive steps of the present case, the reason for selecting either the predefined 1st and 2nd angle size in claims 3 to 6 or the materials used in the present case should be described.